

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>V.</b>	)	<b>CASE NO. 3:06-cr-31W</b>
	)	
<b>MICHAEL SMITH ,</b>	)	

**RESPONSE TO PRO SE MOTION FOR NEW TRIAL**

On the 18<sup>th</sup> day of September, 2006, the undersigned received an email notice filed by Michael Smith, #187158, which appeared to be a Motion for New Trial.

The undersigned contacted the U.S. Marshall's Office and was advised that the Michael Smith, #187158, who apparently sent the New Trial Motion, is a black male, date of birth, September 24, 1977, and is currently an inmate at Staton Correctional Facility in Elmore County, Alabama.

The undersigned represents Michael Smith, white male, date of birth, September 20, 1970, the Defendant in the above styled matters. (See U.S. Probation office Report dated August 28, 2006, not attached)

Respectfully submitted, this the 22<sup>nd</sup> day of September, 2006.

s/Richard (Cracker) Waldrop  
Richard (Cracker) Waldrop  
Attorney at Law  
ASB-2398-L57R  
P. O. Box 310027  
Enterprise, Alabama 36331  
(334) 393-2288  
Email: crackerwaldrop@alaweb.com

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document by electronically filing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

John T. Harmon  
U.S. Attorney's Office  
P. O. Box 197  
Montgomery, AL 36101

Verne Speirs  
U.S. Attorney's Office  
P. O. Box 197  
Montgomery, AL 36101

This is the 22<sup>nd</sup> day of September, 2006.

Respectfully submitted,

/s/Richard (Cracker) Waldrop  
Richard (Cracker) Waldrop  
ASB-2398-L-57R  
P. O. Box 310027  
Enterprise, AL 36331  
(334) 393-2288  
Fax (334) 393-5559